

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS ARBITRAGE SNC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02796 (CGM)

**STIPULATION AND ORDER TO WAIVE  
ORAL ARGUMENT SCHEDULED FOR HEARING ON DECEMBER 20, 2023**

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff, and defendant BNP Paribas Arbitrage SNC (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on July 24, 2023, Defendant filed a motion to dismiss the Trustee's Amended Complaint (the "Motion") [ECF No. 104]; on September 22, 2023, the Trustee opposed the Motion [ECF No. 106]; and on October 23, 2023, Defendant filed a reply in further support of the Motion [ECF No. 108] (collectively, the "Motion Papers");

**WHEREAS**, pursuant to Defendant's notice of hearing [ECF No. 105], a hearing to consider the Motion was scheduled for December 20, 2023, at 10:00 a.m.; and

**WHEREAS**, the Parties have conferred and agree to rest on their papers for all issues in the Motion and waive oral argument on the Motion;

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**, by the Court:

1. The Parties agree to rest on their papers for all issues in the Motion and waive oral argument on the Motion.
2. The Parties request the Court issue its ruling based on the Parties' papers for all issues.
3. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 am on December 20, 2023 to consider the Motion is hereby cancelled and removed from the Court's calendar.
4. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

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Dated: December 15, 2023  
New York, New York

By: /s/ Torello H. Calvani

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LLC and the Chapter 7 Estate of  
Bernard L. Madoff*

By: /s/ Thomas S. Kessler

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*Attorneys for Defendant BNP Paribas  
Arbitrage SNC*

**Dated: December 18, 2023  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**